

that are necessary during construction, unless required by the County inspector. *Note that the ESC plan is a component of, or may comprise, the Construction Stormwater Pollution Prevention Plan, which in turn is a primary component of the engineering plans required for drainage review as specified in Chapter 2.*

B. WET SEASON CONSTRUCTION

During the wet season (October 1 to April 30) any *site* with exposed soils shall be subject to the "Wet Season Requirements" contained in the *ESC Standards*. In addition to the ESC cover measures, these provisions include covering any newly-seeded areas with mulch and seeding as much disturbed area as possible during the first week of October to provide grass cover for the wet season. Other ESC measures such as baker tanks and portable sand filters may be required for use during the wet season.

C. CONSTRUCTION WITHIN CRITICAL AREAS AND BUFFERS

Any construction that will result in disturbed areas on or within a stream or associated buffer, within a wetland or associated buffer, or within 50 feet of a lake shall be subject to the "Critical Area Restrictions" contained in the *ESC Standards*. These provisions include phasing the project whenever possible so that construction in these areas is limited to the dry season.

D. MAINTENANCE

All ESC measures shall be maintained and reviewed on a regular basis as prescribed in the *ESC Standards*. For projects in Full or Large Project Drainage Review, the **applicant must designate an ESC supervisor** who shall be responsible for the performance, maintenance, and review of ESC measures and for compliance with all permit conditions relating to ESC as described in the *ESC Standards*. The ESC supervisor must be a **Certified Professional in Erosion and Sediment Control** (see www.cpesc.net for more information) or a **Certified Erosion and Sediment Control Lead** whose certification is recognized by King County. King County recognition of certification means that the individual has taken a King County-approved third party training program and has passed the King County-approved test for that training program. Additionally, the applicant's selection of an ESC supervisor must be approved by King County.

E. FINAL STABILIZATION

Prior to obtaining final construction approval, the *site* shall be stabilized, structural ESC measures (such as silt fences and sediment traps) shall be removed, and drainage facilities shall be cleaned as specified in the *ESC Standards*.

F. CONSIDERATION OF OTHER REQUIRED PERMITS

Consideration should be given to the requirements and conditions that may be applied by other agencies as part of other permits required for land-disturbing activities. In particular, the following permits may be required and should be considered when implementing ESC measures:

- A **Class IV Special Forest Practices Permit** is required by the Washington State Department of Natural Resources for projects that will clear more than two acres of forest or 5,000 board feet of timber. All such clearing is also subject to the State Environmental Policy Act (RCW 43.21C) and will require SEPA review. King County assumes lead agency status for Class IV permits, and the application may be consolidated with the associated King County development permit or approval.
- A **NPDES General Permit for Construction** (pursuant to the Washington State Department of Ecology's Baseline General Permit for Stormwater) is required for projects that will disturb more than one acre for purposes of constructing or allowing for construction a development.

1.2.6 CORE REQUIREMENT #6: MAINTENANCE AND OPERATIONS

R E Q U I R E M E N T

Maintenance and operation of all drainage facilities is the responsibility of the applicant or property owner, except those facilities for which King County assumes maintenance and operation as described below and in KCC 9.04.115 and KCC 9.04.120. Drainage facilities must be maintained and operated in accordance with the maintenance standards in Appendix A of this manual or other maintenance standards as approved by King County.

Intent: To ensure that the maintenance responsibility for drainage facilities is clearly assigned and that these facilities will be properly maintained and operated in perpetuity.

Drainage Facilities to be Maintained by King County

King County will assume maintenance and operation of the following drainage facilities⁴⁰ for any residential subdivision with two or more lots, and any similar development where at least two-thirds of the developed contributing area is from single family or townhouse residential structures on individual lots, except where King County grants an adjustment per Section 1.4, allowing the facilities to be maintained by the homeowners association:

- Flow control and water quality facilities within a tract or right-of-way dedicated to King County.
- Flow control BMP devices within a tract or right-of-way dedicated to King County.
- The conveyance system within improved public road right-of-way.

Note: King County may assume maintenance of facilities serving any mix of developments as part of a shared facilities plan. See Reference Section 4-D for further guidance regarding the County's assumption of maintenance responsibility for shared facilities.

King County **will assume maintenance** and operation of these facilities **two years after final construction approval** by DDES and an inspection by the County to ensure the facilities have been properly maintained and are operating as designed.

Flow control and water quality facilities and **flow control BMP devices** to be maintained and operated by King County must be located in a tract or right-of-way dedicated to King County. Access roads serving these facilities must also be located in the tract or right-of-way and must be connected to an improved public road right-of-way. Underground flow control or water quality facilities (tanks or vaults) may be allowed in private rights-of-way or roads if the easement includes provisions for facility access and maintenance.

Conveyance systems to be maintained and operated by King County must be located in a drainage easement, tract, or right-of-way granted to King County. *Note: King County does not normally assume maintenance responsibility for conveyance systems that are outside of improved public road right-of-way.*

Drainage Facilities to be Maintained by Private Parties

All drainage facilities maintained privately or by other public agencies, except flow control BMPs, must be maintained as specified in **Appendix A**, "Maintenance Requirements for Flow Control, Conveyance, and WQ Facilities," and as further prescribed in **Chapter 6** for water quality facilities, unless otherwise approved by King County DNRP. A copy of the **Operation and Maintenance Manual** submitted as part of the permit application (see Section 2.3.1) shall be retained on *site* and shall be transferred with the property to the new owner. A log of maintenance activity indicating when cleaning occurred and where waste was disposed of shall also be kept by the owner and be available for inspection by the County.

All privately maintained **flow control BMPs** must be maintained as specified in the *site/lot's* declaration of covenant and grant of easement per Section 5.2.1.

⁴⁰ *Note: King County does not assume maintenance of individual lot drainage systems or drainage stub-outs serving single family residential lot downspout, footing, or yard drains, nor does King County assume maintenance of the vegetated portions of water quality treatment facilities and flow control BMPs integrated into site landscaping.*